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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,851	12/13/2004	Martin Dottling	112740-1026	1309
29177	7590	05/17/2007	EXAMINER	
BELL, BOYD & LLOYD, LLP			MILLER, BRANDON J	
P.O. BOX 1135			ART UNIT	PAPER NUMBER
CHICAGO, IL 60690			2617	
MAIL DATE		DELIVERY MODE		
05/17/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/517,851	DOTTLING ET AL.	
Examiner	Art Unit		
Brandon J. Miller	2617		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 13 December 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 9-11 and 13-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 9-11, 13, 14 and 16 is/are rejected.

7)  Claim(s) 15 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 13 December 2004 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_ .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application

6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior does not teach or fairly suggest wherein a position of the bits being punctured is shifted by a whole number  $k$ , where  $0 < k \leq 5$ .

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-11, 13-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frederiksen et al. (US 2004/0028020 A1) in view of Das et al. (US 7,162,675 B2).

Regarding claim 9 Frederiksen teaches a method for transmitting data with a defined number of bits via a physical channel in a communication system, the physical channel being used by at least one first communication device and a one second communication device (see paragraphs [0025] & [0051] – [0063]). Frederiksen teaches providing that the data to be transmitted is composed of load data and identification data for identifying the second communication device (see paragraphs [0094] – [0095]). Frederiksen teaches separately coding the load data and the identification data from each other using convolution coding, wherein a

same number of bits is produced after the coding operation for the load data and the identification data (see paragraphs [0098] – [0100]). Frederiksen teaches linking the coded load data and the coded identification data with each other via a linking operation (see paragraphs [0105] – [0108]). Frederiksen teaches matching a rate of the linked data to the number of bits defined for the physical channel using a rate matching pattern either immediately before or immediately after the linking operation, the rate matching pattern defining which bits in a data stream are punctured or repeated, wherein the rate matching pattern for the load data and the identification data is identical (see paragraphs [0102] – [0104] & [0109] – [0111]). Frederiksen does not specifically teach linking the coded load data and the coded identification data with each other via an XOR linking operation. Das teaches using an XOR operation to determine how coded bits are determined (see col. 4, lines 50-53 and FIG. 4). It would have been obvious to one ordinary skill in the art at the time the invention was made to make the device adapt to include linking coded load data and coded identification data with each other via an XOR linking operation because Frederiksen teaches linking coded data and using the XOR linking operation as taught in Das would allow for a more efficient linking process.

Regarding claim 10 Frederiksen teaches wherein the coding operation supplies a bit sequence of bits 1 to n in a defined time window by which the rate is defined, and rate matching is performed via a rate matching pattern by which individual bits in the bit sequence are punctured (see paragraphs [0103] – [0104]).

Regarding claim 11 Frederiksen teaches wherein the physical channel is a High Speed Shared Control Channel (see paragraphs [0094], [0098], [0102]).

Regarding claim 13 Frederiksen teaches wherein the identification data is an identification number of a communication device (see paragraph [0095]).

Regarding claim 14 Frederiksen teaches wherein the rate matching occurs using a rate matching pattern by which bits at positions 1, 2, 4, 8, 42, 45, 47 and 48 are punctured in a bit sequence consisting of n=48 bits (see paragraphs [0102] - [0103]).

Regarding claim 16 Frederiksen teaches bit-by-bit linking (see paragraphs [0105] - [0106]).

#### *Claim Objections*

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 13-16 should be renumbered 12-15.

#### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dick et al. U.S Patent No. 6,973,579 B2 discloses generation of user equipment identification specific scrambling code for the high-speed shared control channel.

Dottling et al. Pub. No.: US 2004/0181618 A1 discloses a method and device for transferring data according to an ARQ-method.

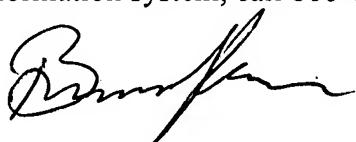
Nilsson et al. Pub. No.: US 2005/0078648 A1 discloses adaptive threshold for HS-SCCH part 1 decoding.

Data et al. Pub. No.: US 2004/0001428 A1 discloses adaptive thresholds for HS-SCCH part 1 detection schemes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



May 11, 2007



George Eng  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER